

TRANSGAS[®]

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TRANSGAS INC. 87 Industrial Avenue, Lowell, Massachusetts 018526193
508-454-7831 • FAX 508-454-7775

VIA CERTIFIED MAIL# PO97 339 420

August 6, 1993

FHWA Docket No. MC 92-4
Room 4232, HCC-10
Office of the Chief Counsel
Federal Highway Administration
400 Seventh Street SW
Washington, DC 20590

RE: Comments on FHWA Docket No. MC 92-4

FHWA-97-2180-G

Dear Sir:

Commenting on FHWA Docket NO. MC 92-4, TRANSGAS Inc., 87 Industrial Avenue, Lowell, Massachusetts 01852, firmly believes in promoting the highest safe transportation of any and all hazardous materials. The public must be made aware that the overall trucking industry is dead-set on protecting human life and the environment.

There appears to be some confusion in the proper wording in the several writings on this particular proposal.

In the legislative action that was begun on 23 January 1990 at the Second Session of the One Hundred-First Congress of the United States of America, Senators and members of the House of Representatives assembled and acted to amend the Hazardous Materials Transportation Act. The Table of Contents denotes Section 8 as Hazardous Materials Transportation Registration; motor carrier safety permits. In the new subsection (d) (5) "Covered Transportation" - the fifth line wording includes "a liquefied natural gas...".

The notice of proposed rule making in the federal register/Vol. 58, No. 115/ Thursday, June 17, 1993/ Proposed Rules has eliminated the "a" preceding liquefied natural gas. The missing "a" has lead many to believe that the proposal pertains only to liquefied natural gas and not to the many derivatives such as propane, butane, etc. In the new RSPA hazard classification Division 2.1 many other flammable gases exist that are equally as hazardous as Liquefied Natural Gas, to include hydrogen, refrigerated liquid; hydrogen and methane mixtures; compressed, propane, butane, propylene, ethane and ethylene, refrigerated liquid.

If the missing "a" was purposeful, then it would seem that Liquefied Natural Gas is singled out and that would be discriminatory for, as previously mentioned, other commodities are equally hazardous.

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If liquefied natural gas had been capitalized, ie: Liquefied Natural Gas or the words Methane, Refrigerated Liquid used, this would have been specific-but by the lack of capital letters or other insertions the liquefied natural gas is generic, thus encompassing many other commodities.

TRANSGAS is in support of the "Safety Permit" if all others in Division 2.1 are equally permitted, but strongly objects to being singled out as the only product in Division 2.1 to necessitate a Safety Permit.

Sincerely,

A handwritten signature in cursive script that reads "James F. Lucchesi".

James F. Lucchesi
Vice President-Operations

JH:nfg

cc: V. Baur
R. Levi
J. Harris